



**US Army Corps
of Engineers®**

Seattle District
Environmental and Cultural
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Notice of Preparation

Public Notice Date: September 29, 2017
Expiration Date: October 13, 2017
Reference: PME-17-10

Project Name: Additional Repairs to the Yakima Authorized Right Bank Levee, Naches River,
Yakima, Washington

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Seattle District (Corps), plans to prepare, pursuant to the National Environmental Policy Act (NEPA), a Supplemental Environmental Assessment (EA) for proposed repair to the Yakima Right Bank Federal Levee in the City of Yakima, Washington. The Corps issued previous notices of preparation for the Left Bank and Right Bank for public review and comment from September 15, 2016 to October 14, 2016 and from February 24, 2017 to March 10, 2017. These repairs were located on the Yakima River and have been substantially completed, with planned mitigation plantings still ongoing. Associated NEPA documentation was concluded with a Finding of No Significant Impact (FONSI) promulgated on 22 May 2017. This new notice provides an updated project description to account for a recently identified site damaged in a flood event that occurred in Spring 2017. The new proposed work would occur on the Naches River near its confluence with the Yakima River. This new damaged location is the fifth damaged site on the Yakima Right Bank Levee and is identified as Site 5.

AUTHORITY

The proposed levee repair is authorized by Public Law 84-99 (33 U.S. Code Section 701n). The Corps' rehabilitation and restoration work under this authority is limited to the repair of flood control works damaged or destroyed by floods. The statute authorizes rehabilitation to the condition and level of protection exhibited by the flood control work prior to the damaging event. Yakima County is the non-federal sponsor for the proposed action. The levees were constructed by the Corps in 1947 and 1948.

PROJECT LOCATION

The proposed action is in Yakima County, Washington, on the Naches River near its confluence with the Yakima River in the City of Yakima. The entire Right Bank Federal levee is approximately 5 miles long in Sections 7, 17, 18, 20, 28, and 29, Township 13 North, Range 19 East of the Willamette Meridian. Location of Yakima Right Bank Site 5 is shown in Figure 1 along with the other damaged sites which have been repaired on the left and right banks.

NEED

The levees were constructed to provide protection up to the 100-year return period for a mix of residential and commercial land use, including public buildings, utilities, and roads in the City of Yakima. Specifically located behind and protected by Site 5 are recreational facilities, housing developments, and transportation facilities (Gordon Road, and abutment for the I-85 bridge).

The Left and Right Bank levees were damaged during flood events in November and December, 2015, and again in Spring 2017. Riprap comprising the riverward toe and slope armor was scoured at sites on the right and left banks.

The Right and Left Bank Levee repairs near Terrace Heights Way were originally included in the initial Notice of Preparation (NOP). The Left Bank (LB) damage spanned approximately 1,200 linear feet at two adjacent sites, along with three eroded groins (Yakima LB Sites 1 and 2). The Right Bank (RB) damaged site comprised approximately 920 linear feet at two adjacent sites near Terrace Heights Way (Yakima RB Sites 1 and 2).

The second NOP updated the initial one with two additional RB sites that were discovered by the non-federal sponsor. The additional RB sites were found near River Mile (RM) 116 (RB Site 3) and RM 111 (RB Site 4). Right Bank Site 3 was damaged along 600 feet, and RB Site 4 was damaged along 1,475 feet. An Environmental Assessment and Finding of No Significant Impact were completed for the damages identified in the first and second NOPs. Repairs have been substantially completed for these sites, with mitigation plantings still ongoing.

This third NOP updates the previous action with an additional site that was discovered by the non-federal sponsor. The additional site (RB Site 5) is on the Naches River near its confluence with the Yakima River. Right Bank Site 5 was damaged along 830 feet. Low flows during the summer of 2017 allowed of the Spring 2017 damage to be seen out of the water. In addition to that, a portion of the bicycle path under the bridge began to fail, which prompted a closer inspection. Although the damage occurred prior to the promulgation of the May 2017 FONSI, the federal sponsor did not notice and report the damage until afterwards. Even though Site 5 is distinct from the other Yakima Right Bank Federal Levee segments addressed in that prior EA, because repair work is still being completed and in light of the close connection between the sections of the Yakima River Right Bank Levee damaged in 2015 and 2017, it is appropriate that the Site 5 repair be viewed as the latest episode in an ongoing course of agency action, and addressed under NEPA in a Supplemental EA. This NOP incorporates the additional Right Bank site into the proposed action. Draft repair plans to Site 5 are located in Attachment A and typical damage at Site 5 is shown in Figures 2 and 3. Damage is primarily along the levee toe, with some damage underneath the bridge.

In its damaged condition, the Right Bank levee provides an approximate 10-year level of flood risk reduction.

PURPOSE

The purpose of the project is to restore the pre-damage level of flood protection (100-year level of protection) to protect lives and property from potential future flooding.

PROPOSED ACTION

Four alternatives are being considered and are as follows:

a) No Action Alternative:

The No Action Alternative would leave the levee in its current damaged state. This alternative would not meet the project purpose because the levee would likely be further damaged in future flood events and could potentially fail. This alternative would fail to meet the project purpose and would endanger lives, homes, commercial property, and infrastructure in future flood events within the City of Yakima.

b) Non-Structural Alternative:

The non-structural alternative would relocate all existing structures, utilities, and other infrastructure in the area protected by the levee elsewhere. The costs, scope, and the timeframe for implementing this alternative makes it impractical. Furthermore, the participation of the non-federal sponsor would be required to implement a non-structural alternative. The sponsor has indicated that it does not wish to pursue this option.

c) Levee Setback

This alternative would remove all or part of the existing levee and build a new levee landward of the existing location. This alternative would maintain the level of flood protection but increase floodplain access for the river. This alternative would also require participation of the non-federal sponsor to implement and the sponsor has indicated that it does not wish to pursue this option.

d) Repair in Kind Alternative

The Repair in Kind Alternative would restore the levee to pre-flood conditions, and previous levels of protection to the damaged section. Attachment A shows the proposed repair for the additional Right Bank Site 5 repair. Under this alternative Site 5 would be repaired in-kind to its pre-damaged condition and alignment.

Sloughed material within reach of an excavator at the scoured toe would be removed from the river and the levee prism would be reconstructed in its originally designed and pre-damaged location. Total construction length, including smooth transitions into the existing slopes, would be 830 linear feet. All work would occur within the designed and pre-damage footprint and profile at Site 5. From start to completion, the repair is expected to take 4 weeks during January and February, 2018.

The Repair In Kind Alternative is selected as the preliminarily recommended alternative. This alternative would incur the least cost and quickest construction time to restore the full level of protection. Final selection of the preferred alternative will be made after final design has been completed for the additional Right Bank Site 5. The alternatives will be evaluated in accordance with the National Environmental Policy Act (NEPA). Any recommendations or comments that emerge from the NEPA and Endangered Species Act (ESA) evaluations and coordination procedures will be considered.

EXISTING CONDITIONS

The levee is approximately 2 to 8 feet high on the landward side and predominately composed of silty, sandy, gravel riverbed material with a rock armor blanket of Class III to IV riprap on the riverward slope. The landward slope of the levee is approximately 2H: 1V, while the riverward slope ranges from 2H:1V to 3H:1V. The levee crest is about 10 feet wide and surfaced with asphalt pavement. The launchable toe at Site 5 has a variable length and height. Typical launchable toes along the levee are 5 feet tall and extend 10 feet riverward from the base of the levee slope.

ANTICIPATED IMPACTS

The Corps' preliminary analyses of the principal effects of the proposed Repair In Kind Alternative are summarized below.

Wetlands: All work would be in the pre-damage levee footprint and on upland staging areas. No wetlands would be affected.

Water Quality: Rehabilitation of the levee would occur in the active channel, with some work below ordinary high water. Construction could be expected to cause minor, temporary, localized increases in turbidity. Appropriate Best Management Practices (BMPs) will be implemented to minimize construction effects to water quality. These BMPs may include any of the following: silt fences, restrictions on fueling, and prevention of fluid leaks from construction equipment would minimize discharge of particulates and pollutants into the river. Construction materials would be obtained from contaminant-free sources.

Biological Resources: The Repair in Kind Alternative would impact trout, salmon, and resident non-salmonid fish species and their habitat. No long-term impacts to any species of fish or other aquatic species would be expected because conditions of the shoreline would remain similar to pre-damage conditions. However, short-term impacts are expected.

Any woody vegetation and large woody debris (LWD) that occurs in the project footprint would be placed along the completed toe. The logs could provide valuable rearing habitat. It is expected that these logs would remain onsite or move downstream and continue to provide important habitat functions.

Bald eagles do not nest in or near the project area, but communal roosts are reported along the Yakima River. The primary impacts to wildlife would be temporary increases in noise, vibration, and human activity which could displace wildlife during construction. Effects would be minor, localized, and temporary.

Two threatened populations of fish protected under the ESA, the Middle Columbia steelhead (*Oncorhynchus mykiss* distinct population segment (DPS)) and Columbia DPS bull trout (*Salvelinus confluentus*) may be present and could be impacted during in-water work. All in-water work would occur outside of the in-water work window for this area (July 1 – 15 October) so that levees can be restored to an undamaged condition before the next flood season. Doing so increases the likelihood of harming resident and migratory fish.

Most spawning occurs in tributaries to the Yakima River such as the Naches River. However, no spawning has been documented for the reach containing the project area. Juvenile steelhead rear in the mainstem of the Yakima River year-round, and are expected to be rearing in the project area during construction.

Bull trout are known to utilize the Naches for overwintering habitat while spawning habitat is found further upstream in tributaries. Available data indicates bull trout are a relatively rare occurrence in the project area; however a few have been recorded. The colder the water temperature, the more likely they are to be found in the area, which include the proposed winter work window.

Other listed species potentially in the project area include the yellow-billed cuckoo (*Coccyzus americanus*), gray wolf (*Canis lupus*), and North American wolverine (*Gulo gulo luscus*), however, these species are not expected to be in the project area due to specialized habitat requirements not present in the Yakima area, local extirpation, lack of tolerance for the level of human activity in the Yakima area, or a mixture of all three. Potential effects of the action on threatened or endangered species and critical habitat will be addressed per Section 7 of the ESA.

The proposed repairs would require woody vegetation removal within the river riparian zone. Vegetation found onsite include willow (likely coyote willow), black cottonwood, quaking aspen, wild rose, red osier, and smooth sumac. Corps staff estimated approximately 200 trees, primarily sapling in size. Out of the 200 estimated trees, 45 were larger (greater than 20 feet in height), consisting primarily of cottonwood and aspen.

To mitigate for the vegetation removal during construction, the project proposes to install willow lifts, likely consisting of coyote willow, at one-foot above ordinary high water and place topsoil over disturbed areas above ordinary high water and hydroseed using a native seed mixture where appropriate. Hydroseed may not be placed if conditions are believed to be too dry. Additionally, to offset vegetation loss at Site 5, the Corps proposes to augment offsite plantings planned to mitigate for vegetation lost at other Yakima Left and Right Bank levee repair locations.

Cultural Resources: A records and literature search in the Washington Information System for Architectural and Archaeological Records Data (WISAARD) has been completed by the Corps. While no sites exist within the area of potential effect of Site 5, the area is considered very high risk for archaeological resources according to WISAARD's predictive model, and no previous surveys are known to have been conducted in the area. Moreover, a portion of the planned access falls within the buffer zone for a site within the Yakima Valley Transportation Company register district; the bridge under which the repair is taking place is listed in WISAARD without a National Historic Preservation Act (NHPA) eligibility determination; and access skirts a cemetery buffer zone.

The Corps is currently taking actions to identify historic properties that could be affected by the proposed action as required by Section 106 of the NHPA. The Corps is consulting with the Washington State Historic Preservation Officer (SHPO), Indian tribes, and other consulting parties about the project and will complete identification and evaluation for historic properties as well as make agency findings of effect for Section 106 prior to decisions regarding the recommended plan.

Air Quality: Construction vehicles and heavy equipment used during construction would temporarily and locally generate increased gasoline and diesel exhaust fumes. The short duration of the work would limit impacts to air quality. The activity would constitute routine repair of an existing facility, generating an increase in direct emissions of a criteria pollutant or its precursors that would clearly be *de minimis*, and would therefore be exempted by 40 CFR Section 93.153(c)(2)(iv) from the conformity determination requirements. Emissions generated by the construction activity are expected to be minor, short-term, and well below the *de minimis* threshold. Unquantifiable but insignificant exacerbation of effects of carbon dioxide emissions on global climate change would be anticipated.

Noise: Temporary increases in noise would occur as a result of the construction for the proposed action. No long-term change in noise levels would result. Work would be limited to daylight hours in order to minimize disruption to nearby residents.

Traffic: Construction-related traffic may cause temporary increases to, and disruption of, local traffic. Flaggers and signs would be used, as needed, to conduct traffic around the construction site in a safe manner. No long-term changes in traffic use would result from the project.

Recreation: The Yakima Right Bank Levee project area includes a recreational trail along the levee crest. Construction in this area would temporarily close use of the trail during construction but would reopen upon project completion.

Cumulative Effects: The levees in Yakima have been altered, reconfigured, repaired, and maintained by the Corps and non-Federal interests since construction was completed in 1948. Those past and potential future actions will be analyzed and addressed pursuant to NEPA in the development of the EA.

COMPLIANCE WITH OTHER LAWS AND REGULATIONS

The Corps will coordinate the proposed action with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) concerning effects of the proposed repair activities on threatened and endangered species and their critical habitat, pursuant to Sec. 7(a)(2) of the ESA.

No significant unmitigated impact to Tribal Treaty Rights are expected as a result of the proposed activities. The proposed project will be analyzed with respect to its effects on the treaty rights or rights reserved to tribes through executive order or other legal instrument. The proposed action area is within the area of interest of the Yakama Nation. The Corps will coordinate and consult with that tribe regarding the proposed action.

The Corps will consult with the Washington State Historic Preservation Office, Indian tribes, and other consulting parties about the project in accordance with Section 106 of the National Historic Preservation Act as implemented in the regulations at 36 C.F.R. Part 800.

The Corps concludes that the project is not subject to regulation under Sections 401 and 404 of the Clean Water Act. The exemption from the requirement to evaluate the effects of discharges of fill material into waters of the United States under 33 USC 1344(f)(1)(B) and 33 C.F.R. 323.4(a)(2) applies because all riverward work at the repair sites will be of the same character, scope, and size of the levee's original fill design. Therefore the proposed repair of the Yakima River Federal Levees does not require a 404 (b)(1) evaluation nor a 401 water quality certification. The proposed action is not expected to disturb more than one acre of land; therefore, a Clean Water Act Section 402 permit is not required.

EVALUATION

The Corps has made a preliminary determination that the environmental impacts of the proposed work can be adequately evaluated under NEPA through preparation of a Supplemental EA. A previous EA was prepared prior to the discovery of this new damaged site and supported a signed FONSI on 22 May 2017. A Supplemental EA will be prepared updating it to include the new Right Bank Site 5 repair.

The Corps invites submission of comments on the environmental impact of the proposed action. Comments will be considered in determining whether it would be in the best public interest to proceed with the proposed project requested by the non-Federal sponsor. The Corps will consider all submissions received before the expiration date of this notice. The nature or scope of the proposal may be changed upon consideration of the comments received. The Corps will initiate an Environmental Impact Statement, and afford all of the appropriate public participation opportunities attendant to an EIS, if significant effects on the quality of the human environment are identified and cannot be mitigated.

Submit comments to this office, Attn: Environmental and Cultural Resources Branch, no later than 15 days after the posting of this notice to ensure consideration. In addition to sending comments via mail to the above address, comments may be e-mailed to Zachary.M.Wilson@usace.army.mil. The Notice of Preparation can be found at the following website:

<http://www.nws.usace.army.mil/Missions/Environmental/EnvironmentalDocuments.aspx> under “Yakima Authorized Right Bank Levee Repair Project, Site 5.”



Figure 1. Location of Right Bank Site 5 and all previous repairs from the two previous NOPs. All Left Bank sites and Right Bank Site 1 through 4 have been constructed. Right Bank Site 5 was discovered in late spring 2017.



Figure 2. Typical example of damage along levee toe. Photo taken from under the I-82 Bridge, looking upstream along the Naches.



Figure 3. Damage located under the bridge includes erosion along the toe and undermining of the trail so that it is falling into the river.

ATTACHMENT A
Draft Repair Plans for Site 5



General Site Plan including damage and access.

Typical Cross Section. Bench Varies in width.

